

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SAM STINSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18cv346-WHA
)	[WO]
WALTER WOODS,)	
)	
Defendant.)	

ORDER

On May 17, 2018, Plaintiff submitted a document to this court in which he states he has filed no civil rights action in this court under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and indicates that he does not wish to pursue such an action. (Doc. # 5.) The document is construed as Plaintiff's notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed.R.Civ.P. 41(a)(1)(A)(i). Defendant has not served a responsive pleading or a motion for summary judgment. Based upon Plaintiff's notice of voluntary dismissal (Doc. # 5), this action against Defendant has been dismissed without prejudice by operation of Rule 41(a)(1).

It is further ORDERED that the Magistrate Judge's Recommendation of May 8, 2018 (Doc. # 4), is VACATED as moot.

The Clerk is DIRECTED to close this case.

DONE this 4th day of June, 2018.

/s/ W. Harold Albritton, III
SENIOR UNITED STATES DISTRICT JUDGE